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practically certain that the vessel would have been captured it cannot be doubted that the return would have been justified. See *Mitsui v. Watts*, (1916) 2 K. B. 626.

The mere fact that the cargo and the ship, were not both exposed to the danger does not alter the rule, for the master is under the same duty to protect his ship as the cargo. *The Teutonia*, L. R. 4 P. C. 171. As the agent of all concerned, he is still bound to a prudent regard for the interest of the cargo and must endeavor to hold the balance evenly between ship and cargo when their interests conflict. *The Kronprinzessin Cecile*, 228 Fed. 946; *The Styria*, *supra*. Those who have committed their interests to him must be presumed to have done so with knowledge of the fact that such is the master's duty. *The Teutonia*, *supra*. The consignee of the cargo cannot expect a foreign master to run greater risks than he himself would in respect to goods of his own country. *The San Rowan*, L. R. 5 P. C. 301.

As the master was not bound to deliver the gold in England at the cost of capture of the ship, he had a right to take reasonable precaution to avoid capture; and it would seem that the joint decision of the owners and the master that the ship should return was an exercise of reasonable precaution.

CONSTITUTIONAL LAW—POLICE POWER—REGULATING THE HOURS OF LABOR.—The plaintiff in error was indicted under a state statute, which provided that it would be unlawful to employ any person in any mill, factory or manufacturing establishment for more than ten hours a day, with a proviso that employees might work as much as three hours overtime at rate of time and one-half of the regular wage. It was contended that this statute was an unreasonable wage law, and hence not a valid exercise of police power. *Held*, statute constitutional. *Bunting v. Oregon*, 37 Sup. Ct. 435. See NOTES, p. 55.

CORPORATIONS—LEGAL ENTITY THEORY—EFFECT OF WAR.—The plaintiff was a corporation chartered in New Jersey. Of the fifty shares constituting the capital stock, forty-seven were owned by Germans, residing in Germany, and the remaining three shares were owned by two Americans and an Austrian. The management of the corporation was by the Austrian. The board of directors was composed of the two Americans, the Austrian, and a German, residing in Germany. After war was declared, an action was brought against the defendant, and the defense was raised that the plaintiff was an alien enemy. *Held*, the plaintiff is not an alien enemy, and the suit will not be suspended. *Fritz Schulz, Jr., Co. v. Raimés & Co.*, 166 N. Y. Supp. 567. See NOTES, p. 63.

CORPORATIONS—RIGHT OF STOCKHOLDERS TO INSPECT BOOKS—ABUSE OF RIGHT.—A petition was filed by the State of Delaware, on the relation of a stockholder to compel the production of the books of the defendant corporation. From the inspection of the books the stockholder desired to secure information as to the value of the stock